

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
DECEMBER 22, 2003

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
LEN MCDONALD
STEPHEN RIVERA
JOSEPH MINUTA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: MICHAEL REIS

REGULAR MEETING

MR. KANE: I'd like to call to order the December 22,
2003 meeting to order.

PRELIMINARY MEETING:

SARNA ENTERPRISES (03-62)

MR. KANE: First preliminary meeting tonight, only preliminary meeting is Sarna Enterprises. Request for 9 feet 1 inch rear yard setback for existing one-family house at 2805 Cherry Tree Way (The Reserve) in an R-3 zone.

Mr. Marvin Rosenzweig appeared before the board for this proposal.

MR. ROSENZWEIG: Good evening, everybody, thank you for having me as the only person on the board tonight, I appreciate it.

MR. KANE: Tell us why you're here.

MR. ROSENZWEIG: We're in the, we're passed the rear setback by 9 feet and we caught it too late. If we had caught it sooner, it wouldn't have been a problem. We've taken down a foundation before, we've taken down a footing before. In this case, we did order a foundation location, we thought we had the okay. Usually, if there's a problem, our surveyor tells us there's a problem. Somehow, it got through and this came to light when I was applying for the C.O. You can see there's plenty of room to move it towards the front setback and in anybody's right mind, I don't think anybody would want to lose a back yard and that's what happened in this case. You can see that it's clearly a mistake.

MR. BABCOCK: Mr. Chairman, they're 9.1 feet and it's 9.5 feet that they have left over in the front, so it's exactly.

MR. KANE: What it should have been. We're not going to run into this with any other homes?

MR. BABCOCK: They didn't make the house bigger so it doesn't fit the lot, they literally moved the house back 9 feet.

MR. ROSENZWEIG: It was clearly a mistake and it really isn't as noticeable through the pictures because what happens is the actual lot that the house is situated on tapers off like this and the house--

MR. KANE: Doesn't extend out, yeah, you can see that in the pictures that it doesn't extend in front of the other homes.

MR. MINUTA: These pictures are the existing home, it's already been constructed?

MR. ROSENZWEIG: Yes.

MR. KANE: It would be a financial hardship to take it down?

MR. ROSENZWEIG: Absolutely and I'd say that it isn't really a detriment to the community.

MR. KANE: No water hazards or runoffs that you can tell with this kind of thing?

MR. ROSENZWEIG: No, so I'm asking for relief if possible. I have a purchaser already, though they're living in a hotel, they thought they'd be in for Christmas.

MR. KANE: Do you guys have any other further questions?

MR. MINUTA: No questions.

MR. KANE: Then I'll ask for a motion to set them up for a public meeting. I would also ask that with

regards to 48-33 (D) that we authorize the zoning inspector to issue a temporary C of O so that perhaps they can get in there before Christmas, that will extend for 90 days only. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the Town respective to the use or occupancy of the land or building or any other matter covered by this local law.

MR. BABCOCK: We're ready to issue the C.O.s, all the inspections have been done, so it's a matter of him coming back and having a public hearing for the variance is really what he has to fulfill.

MR. MC DONALD: We're going to grant the temporary?

MR. KANE: Issue that authority to the officer and set him up for a public hearing.

MR. MC DONALD: I'll make that motion.

MR. RIVERA: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. RIVERA: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. MCDONALD	AYE
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MR. RIVERA
MR. MINUTA

AYE
AYE

MR. KANE

AYE

Respectfully Submitted By:



Frances Roth
Stenographer

1/6/04